

VZCZCXRO2218
OO RUEHDT RUEHHM RUEHPB
DE RUEHHI #0827/01 2661053
ZNY CCCCC ZZH
O R 231053Z SEP 09
FM AMEMBASSY HANOI
TO RUEHC/SECSTATE WASHDC IMMEDIATE 0181
INFO ASEAN REGIONAL FORUM COLLECTIVE
RUCNDT/USMISSION USUN NEW YORK 0011
RUEHHM/AMCONSUL HO CHI MINH CITY 0041

C O N F I D E N T I A L SECTION 01 OF 03 HANOI 000827

SENSITIVE
SIPDIS

E.O. 12958: DECL: 2019/09/23
TAGS: [PGOV](#) [PREL](#) [PHUM](#) [ECON](#) [VM](#)
SUBJECT: Reformist Public Policy Think Tank is the First/Primary
Victim of Decree Restricting Scientific Activities

CLASSIFIED BY: Virginia Palmer, DCM; REASON: 1.4(B), (D)

11. (SBU) SUMMARY/COMMENT: A Prime Ministerial Decree placing severe restrictions on independent scientific research and preventing organizations from criticizing the GVN claimed its first casualty: the Institute for Development Studies (IDS), a public policy think tank formed by reform-minded advisors to the late PM Vo Van Kiet. IDS elected to dissolve itself, rather than face further harassment. Other less well-known public policy organizations are likely to face similar pressure. International NGOs are also receiving pressure from the GVN to "re-register" under the still vague requirements of the Decree. The Ambassador, together with other COMs, registered our concerns to the Prime Minister in two letters before the decree went into effect on September 15.

12. (C) Article 97 is another example of the GVN's increasing efforts to suppress dissent in advance of the 2011 Party Congress. It threatens to stifle academic freedom, dissuade foreign research partners, and retard Vietnam's ability to attract and retain scientific talent. The demise of IDS, a bastion of prominent reformist intellectuals, is particularly discouraging, though at least one IDS insider portrayed the Institute's decision to dissolve itself as a public gesture of protest that also provides legal grounds for its founding members to sue the government as private citizens. In the run up to the Party Congress, the Prime Minister is highly unlikely to rescind the decree. Senior USG officials need to convey our concerns about the GVN's crackdown on dissent, and the decree's harmful effects on Vietnam's development during their meetings with senior government officials in Hanoi and Washington. END SUMMARY & COMMENT.

Pernicious Provisions

13. (SBU) On July 15, Prime Minister Nguyen Tan Dung signed Article 97, a decree enumerating additional restrictions on the ability of independent institutions to conduct scientific research and publish findings. Section 2.2 of the Article explicitly prohibits scientific and technical organizations from publicly expressing "criticism about the guidelines, strategies and policies of the Party and State," and instead requires that comments be sent directly to "competent agencies of the Party and State." Section 4 directs the Ministry of Science and Technology and provincial and municipal people's committees to review the activities of current organizations and revoke the registration certificates of those found to have been in violation of the Article's provisions. Accompanying the decree is an eight-page annex listing government approved fields of research which has severely limited the scope of acceptable categories. Noticeably absent are topics related to law, politics, and good governance.

Article 97 - Why Now?

14. (C) Article 97, according to most observers, has as its most obvious target the Institute for Development Studies (IDS), a public policy think tank formed in March 2004 by a group of Vietnamese intellectuals and former government officials connected with the reformist former Prime Minister Vo Van Kiet. The founders of IDS took advantage of a perceived loophole in Vietnam's 2001 Law on Science and Technology that permitted individuals and groups to establish independent science and technology organizations under the direction of local science and technology departments without needing to obtain the express approval of the central government. Since then, IDS has grown into possibly the closest example of an independent think tank in Vietnam. Operating within legal parameters, IDS has pushed Kiet's reform agenda by conducting research on social and economic issues such as law, good governance, and economic reform.

15. (C) As IDS developed, its scholars expanded their activities to include hosting weekly seminars on civil society and good

HANOI 00000827 002 OF 003

governance, including discussions of public policy options. Increasingly assertive, though still respectful, IDS benefitted from the protection of former PM Kiet. This umbrella was removed with Kiet's death in June 2008, a time that corresponded with the beginnings of an accelerated crackdown on independent-minded media and dissident groups. Pressure on IDS grew over the past year, culminating in the Institute's September 14 announcement that it would "dissolve itself" after the PM's office twice ignored strongly worded appeals from IDS to have Article 97 withdrawn. According to contacts associated with the IDS, when PM Dung was Deputy Prime Minister, he felt that several of the advisors that would eventually form IDS did not give him what Dung considered due deference on policy matters. Personal animus aside, the move against IDS is fully consistent with other steps taken to suppress dissent in advance of the 2011 Party Congress, contacts say.

(C) Meeting with Former IDS President: The Inside Story

16. (C) In a September 22 meeting with Embassy, Dr. Nguyen Quang A, former president of IDS, described his meetings with the GVN over the course of a month, including two meetings with the PM, in which IDS sought changes to Article 97, or at least a postponement. He noted that the GVN also initiated several meetings with individual IDS members to discuss the article. In the end, Article 97 was neither changed nor postponed, "despite a promise made by the PM." At the September 14 IDS board meeting, the members discussed Article 97 for only a half hour before deciding to dissolve "in a protest." Quang A suggested that despite the dissolution, some IDS activities, such as seminars, may continue under different umbrella organizations.

17. (C) At first, Quang A strenuously dismissed concerns that Article 97 could affect foreign research operations in Vietnam. He stated that the article was drafted to "target just two percent of all research organizations, and possibly aimed at IDS." While recognizing that Article 97 may place cumbersome registration requirements on research organizations, he stated that it would

only affect research organizations set up by individuals, not those set up by institutions. He believes that research organizations established by universities and foreign corporations would not be affected. Nevertheless, he acknowledged the possible chilling effect of the decree, concluding that it "could be a question of interpretation," and noted that after all the Communist Party is in the sole position to draft, interpret and enforce the laws.

(SBU) NGOS/Businesses Express Concern

18. (SBU) Article 97 generated immediate and widespread anxiety among our civil society contacts, many of whom fear that their own organizations -- most far less prestigious than IDS - will be pressured to change focus or disband. NGO reps fear that their registration certificates will be revoked, or that they will be forced to re-register under the vague requirements of the decree. They note that the suppression of constructive criticism leaves the field open for more extreme dissidents and will dramatically narrow the scope of policy alternatives. Members of the international scientific community have expressed concern about the possible limitation of scientific exchanges, noting that the decree violates basic principles of academic freedom, and this could ultimately cause institutions to reconsider their involvement in Vietnam. One U.S. business executive told us that if Article 97 were implemented, his company likely would not consider Vietnam as a future research site. Bloggers have been blunt in their criticism, with one labeling Article 97 as a "backward step in the country's development, which contradicts the existing policy of public participation and the Constitution of Vietnam."

Ambassador Raises Concerns with PM

HANOI 00000827 003 OF 003

19. (SBU) Soon after hearing about the impending decree, the Ambassador, along with COMs from seven other countries, sent a letter to the Prime Minister raising concern that Article 97 would critically limit research and development by independent scientific institutions and restrict public discourse at a time with Vietnam is working hard to attract foreign investment. The letter also highlighted that if implemented, the decree would dissuade Vietnamese students and scientists from returning home after completing their education, and prevent the government from reaching its goals of improving the country's educational system and becoming a first-rate center of learning. On September 18, after conferring widely with contacts in the academic, NGO, business and diplomatic community, the Ambassador and COMs sent a second letter to the PM reiterating concern that the decree would have a negative reaction and requested that the effective date be delayed until all parties had the opportunity to discuss the government's intent.

Michalak